

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Friday, March 18, 2011
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

None.

EXECUTIVE ACTION TAKEN:

HB 421
SB 403

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping horizontal stroke at the bottom.

SEN. Ryan Zinke, Chair

MONTANA STATE SENATE
ROLL CALL
EDUCATION AND
CULTURAL RESOURCES

DATE: 3-18, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Zinke	✓	
Vice Chair Ripley	✓	
Senator Branae	✓	
Senator Brown	✓	
Senator Essmann	✓	
Senator Facey	✓	
Senator Hawks	✓	
Senator Lake	✓	
Senator Moore	✓	
Senator Stewart-Peregoy		✓

10 Committee Members



SENATE STANDING COMMITTEE REPORT

March 18, 2011

Page 1 of 12

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 403** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Ryan Zinke, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "IMPROVEMENT"

Insert: "EXCELLENCE"

2. Title, page 1, line 12.

Following: "BUDGET;"

Insert: "ALLOWING A SCHOOL DISTRICT A ONE-TIME TRANSFER OF GENERAL FUND MONEY UNDER CERTAIN CONDITIONS;"

3. Title, page 1, line 22 through line 24.

Strike: "ALLOWING" on line 22 through "FUND;" on line 24

4. Page 2, line 7.

Strike: "Improvement"

Insert: "Excellence"

5. Page 2, line 29.

Strike: "improvement"

Insert: "excellence"

6. Page 2, line 30.

Strike: "improvement"

Insert: "excellence"

7. Page 3, line 1.

Strike: "improvement"

Committee Vote:

Yes 7, No 3

Fiscal Note Required ☐

OR

Insert: "excellence"

8. Page 3, line 30.

Following: "(4)"

Strike: "Each"

Insert: "By June 30, 2012, each"

9. Page 4, line 11.

Following: "growth"

Strike: "showing a minimum of 1 year's academic growth"

10. Page 4, line 12.

Following: "each"

Strike: "grade level"

Insert: "school"

11. Page 4, line 16.

Insert: "(3) Nothing in this section precludes the board of public education from adopting other measures of student performance not listed above."

12. Page 4, line 17.

Strike: "improvement"

Insert: "excellence"

13. Page 4, line 18.

Strike: "improvement"

Insert: "excellence"

14. Page 4, line 20.

Following: "policy"

Insert: "when no collective bargaining agreement applies"

15. Page 4, line 22.

Strike: "improvement"

Insert: "excellence"

16. Page 4, line 26.

Strike: "improvement"

Insert: "excellence"

17. Page 5, line 7.

Strike: "10%"

Insert: "5%"

18. Page 5, line 20.

Strike: "involvement"

Insert: "engagement"

19. Page 5, line 21.
Strike: "improvement"
Insert: "excellence"

20. Page 5, line 27.
Following: "bargaining"
Insert: "or district policy when no collective bargaining agreement applies"

21. Page 6.
Following: line 15
Insert: "(7) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. If the payment in subsection (6) is made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred."
Renumber: subsequent subsection

22. Page 6, line 16.
Strike: "improvement"
Insert: "excellence"

23. Page 6, line 20.
Strike: "improvement"
Insert: "excellence"

24. Page 7, line 10.
Following: "in a"
Strike: "timely"
Following: "manner"
Insert: "that is timely and protects the privacy rights of students and families as they relate to education"

25. Page 7, line 14.
Following: "develop"
Insert: "plans for"

26. Page 9, line 18.
Following: "Carbon"
Strike: "51.73%"
Insert: "51.72%"

27. Page 9, line 22.
Following: "Dawson"
Strike: "52.21%"
Insert: "52.22%"

28. Page 9, line 24.

Following: "Fergus"

Strike: "30.82%"

Insert: "30.83%"

29. Page 9, line 28.

Following: "Hill"

Strike: "35.49%"

Insert: "35.48%"

30. Page 9, line 29.

Following: "Liberty"

Strike: "42.06%"

Insert: "42.05%"

31. Page 10, line 2.

Following: "Petroleum"

Strike: "51.96%"

Insert: "51.94%"

32. Page 10, line 3.

Following: "Phillips"

Strike: "45.98%"

Insert: "45.99%"

33. Page 10, line 4.

Following: "Pondera"

Strike: "45.74%"

Insert: "45.73%"

34. Page 10, line 5.

Following: "Powder River"

Strike: "39.10%"

Insert: "39.09%"

35. Page 10, line 6.

Following: "Prairie"

Strike: "59.62%"

Insert: "59.61%"

36. Page 10, line 9.

Following: "Rosebud"

Strike: "60.67%"

Insert: "60.68%"

37. Page 10, line 10.

Following: "Sheridan"

Strike: "52.01%"

Insert: "52.00%"

38. Page 10, line 16.

Following: "Wibaux"

Strike: "50.84%"

Insert: "50.83%"

39. Page 11, line 14.

Following: "(1)(a)"

Strike: "By"

Insert: "Subject to [section 11], by"

40. Page 13, line 13.

Following: "~~subsection(2)(a)~~"

Strike: "20-9-331(3)(a)"

Insert: "15-36-331(3)(a)"

41. Page 13, line 18.

Following: "~~subsection(2)(a)~~"

Strike: "20-9-331(3)(a)"

Insert: "15-36-331(3)(a)"

42. Page 14, line 2.

Following: "(6)"

Strike: "The"

Insert: "Subject to [section 11], the"

43. Page 15, line 19.

Strike: "20-9-131"

Insert: "20-9-141"

44. Page 15, line 21.

Following: "year."

Insert: "The estimated revenue must be allocated in the district budget in accordance with subsection (7)."

45. Page 15, line 29 through line 30.

Following: "of the"

Strike: "remaining" on line 29 through "up to" on line 30

Insert: "amount by which"

46. Page 16, line 1.

Following: "budget"

Insert: "exceeds \$1.25 million"

47. Page 16, line 2 through line 3.

Strike: "The amount" on line 2 through "June 30." on line 3

Insert: "Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list

indicating, for each school district, the limitation in subsection (2). The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (2)."

48. Page 16, line 4.

Strike: "received from school districts' excess"

Insert: "of"

Following: "taxes"

Insert: "allocated to school districts under 15-36-331 but retained by the department of revenue in compliance with the restrictions in subsections (2) and (3) of this section"

49. Page 16, line 6.

Strike: "tax revenue remitted to"

Insert: "taxes allocated to the guarantee account in 15-36-331(3) plus the amounts retained by"

Following: "the state"

Strike: "from all school districts"

Insert: "under subsection (3) of this section"

50. Page 16, line 21 through line 23.

Strike: subsection (8) in its entirety

51. Page 17, line 10. . .

Strike: "the oil and natural gas impact schools"

Insert: "school districts receiving oil and natural gas production taxes under 15-36-331"

52. Page 17, line 18.

Strike: "11(7)(a)"

Insert: "11(5)(a)"

53. Page 17, line 19 through line 21.

Strike: "By October" on line 19 through "The" on line 21

Insert: "Any amounts appropriated by the legislature for distribution to school districts receiving oil and natural gas production taxes pursuant to 15-36-331 must be distributed by the"

54. Page 17, line 21.

Following: "instruction"

Strike: "shall calculate the payment"

Following: "to each"

Insert: "qualifying"

Following: "district"

Insert: ". The amount must be calculated"

55. Page 17, line 23.

Strike: "oil and natural gas impact school districts that remitted funds"

Insert: "school districts receiving oil and natural gas production taxes pursuant to 15-36-331"

56. Page 17, line 24 through line 25.

Strike: "account" on line 24 through "June 30" on line 25

Insert: "amount appropriated"

57. Page 17, line 28.

Strike: "By October 31, the"

Insert: "The"

58. Page 17, line 29.

Following: "to"

Insert: "qualifying"

59. Page 18.

Strike: line 4

60. Page 18, line 5.

Following: "any"

Strike: "purpose provided by law"

Insert: "of the purposes set forth in [section 13(1)]"

61. Page 18, line 8.

Following: "provisions of"

Strike: "this title"

Insert: "20-9-210"

62. Page 18, line 10.

Strike: "2014"

Insert: "2016"

63. Page 18, line 11.

Strike: "and nonbudgeted"

64. Page 18, line 12 through line 13.

Strike: "building fund, the impact aid fund, or "

Insert: "debt service fund or"

65. Page 18, line 14 through line 15.

Strike: "and a" on line 14 through "20-9-203" on line 15

66. Page 18, line 16.

Strike: "budget"

Insert: "combined ending fund balance for all budgeted funds"

included in subsection (1)"

67. Page 18, line 21.

Strike: "(4)"

Insert: "(5)"

68. Page 18, line 21 through line 22.

Strike: "and the" on line 21 through "20-9-203" on line 22

69. Page 18, line 22.

Strike: "reserves"

Insert: "combined ending fund balances"

70. Page 18, line 23.

Strike: "reserves"

Insert: "funds"

71. Page 18, line 25.

Strike: "those funds referred to in subsection (1)"

Insert: "the debt service fund, the building reserve fund, and bus depreciation reserve fund"

Following: line 25

Insert: "(4) Any funds that cannot be redistributed within a county without causing any school district in the county to exceed the 300% limit must be remitted by the county treasurer to the state for deposit in the guarantee account."

Renumber: subsequent subsection

72. Page 18, line 28.

Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or are in the first year of operation after reopening under 20-6-502 or 20-6-503."

73. Page 24, line 19.

Following: "(5)"

Insert: "(a) Prior to June 30, 2011, a school district may transfer any general fund money in excess of 15% of the fiscal year 2011 general fund budget that is not needed to fund the budget to any budgeted fund considered appropriate by the trustees.
(b)"

74. Page 25, line 2 through line 3.

Following: "(1)"

Strike: remainder of line 2 through line 3

75. Page 25, line 4.

Following: "The"

Insert: "The"

76. Page 25, line 7.

Following: "aid"

Insert: ", the pathway to excellence payment, the payments under
20-9-327 through 20-9-330,"

77. Page 25, line 29.

Following: "(1)(c)"

Insert: ", any anticipated oil and natural gas production taxes
received under [section 11(7)(a)],"

78. Page 27, line 27.

Strike: ", 44.7% of the pathway to improvement payment,"

79. Page 27, line 30.

Strike: "up to 35.3% of the pathway to improvement payment,"

80. Page 28, line 4.

Following: ";

Strike: "and"

81. Page 28, line 5.

Following: "payment"

Strike: "."

Insert: "; and"

82. Page 28.

Following: line 5

Insert: "(g) the total pathway to excellence payment."

83. Page 28, line 7.

Strike: "80%"

Insert: "100%"

Strike: "improvement"

Insert: "excellence"

84. Page 29, line 10.

Strike: "improvement"

Insert: "excellence"

85. Page 29, line 19.

Strike: "\"Pathway to improvement payment\" means a maximum rate of
\$500 for fiscal year 2012 and \$1,000\""

Insert: "\"Pathway to excellence payment\" means \$315 for fiscal
year 2012 and \$630\""

86. Page 30, line 29.

Following: "20-9-330"

Insert: "and any increase in the pathway to excellence payment"

87. Page 31, line 2.

Strike: "over tax revenue previously"

Insert: "over annual tax revenue levels previously collected or"

88. Page 31, line 3.

Following: "in"

Insert: "the highest of"

89. Page 34, line 14.

Strike: "over tax levels previously"

Insert: "over annual tax revenue levels previously collected or"

90. Page 34, line 15.

Following: "in"

Insert: "the highest of"

91. Page 37, line 14.

Following: "gas"

Strike: "payments"

Insert: "production taxes received"

Following: "15-36-331(3)"

Insert: "and [section 11]"

92. Page 37, line 17.

Strike: "25%"

Insert: "35%"

Following: "gas"

Strike: "revenue payments of"

Insert: "production taxes received by"

Following: "district"

Insert: "under the limitations in [section 11]"

93. Page 37, line 24 through line 25.

Following: "7" on line 24

Insert: ","

Strike: ":" on line 24 through (a) on line 25"

94. Page 37, line 27 through line 29.

Following: "7" on page 27

Insert: "."

Strike: "; and" on line 27 through "15-36-331(3)" on line 29

95. Page 38, line 15.

Following: "gas"

Strike: "payments"

Insert: "production taxes"

Following: "to"

Strike: "15-36-331(3)"

Insert: "[section 11]"

96. Page 42, line 23.

Strike: "payments"

Insert: "production taxes"

Following: "received"

Insert: "under the limitations in [section 11] and"

97. Page 42, line 29.

Strike: "payment"

Insert: "production taxes"

98. Page 42, line 30.

Following: "district"

Insert: "under the limitations in [section 11]"

99. Page 44, line 4.

Strike: "schedule set forth in 15-36-331(3)"

Insert: "provisions of [section 11]"

100. Page 44, line 6.

Strike: "building"

Insert: "debt service"

101. Page 44, line 8.

Strike: "building"

Insert: "debt service"

102. Page 44, line 15.

Strike: "building"

Insert: "debt service"

103. Page 45, line 7.

Strike: "20-9-621,"

Following: "20-9-622"

Strike: ", "

104. Page 45, line 19.

Following: "account"

Insert: "and must be appropriated only for K-12 public education purposes. Interest and income earnings on the guarantee account must be deposited in the account."

105. Page 47, line 2.

Following: "grant"

Insert: "in subsection (4)"

106. Page 47, line 3.

Following: "15%"

Insert: ", reduce the grants proportionately under subsections (4)(a) through (4)(c),"

107. Page 47, line 5.

Insert: "(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or in the first year of operation after reopening under 20-6-502 or 20-6-503."

108. Page 47, line 28.

Following: "from"

Insert: "appropriations made from"

109. Page 47, line 29.

Strike: "Money in the account"

Insert: "Appropriations made from the guarantee account for grants under this section"

110. Page 49, line 7 through line 9.

Strike: section 49 in its entirety

Renumber: subsequent sections

- END -

BILL TABLED NOTICE

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

The **SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE** TABLED
HB 421 - Expand provider types for adult basic education
, by motion, on **Friday, March 18, 2011**.

(For the Committee)



(For the Secretary of the Senate)

7:30 13-21-11
(Time) (Date)

March 19, 2011

Gilda Clancy, Secretary

Phone: 4816

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3-18-11 BILL NO SB403 MOTION NO. _____
MOTION: DO PASS AS AMENDED

[illegible]

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3-18-11 BILL NO HB 421 MOTION NO. _____
MOTION: BE CONCURRED IN

[illegible]

DATE 3-18-11 BILL NO SB 403 MOTION NO. _____
MOTION: AMENDMENT SB 040302.acb

[illegible]

EDUCATION & CULTURAL RESOURCES COMMITTEE

MOTION: SEN. FACEY'S CONCEPTUAL AMENDMENT

[illegible]

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Sharon Stewart-Peregoy, request to be excused from the
EDUCATION COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

Bob Hawks

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 421	X	
SB 403 AMENDMENT	X	X
SB 403 AS AMENDED		X
SB 403 CONCEPTUAL AMENDMENT	X	

BILL/AMENDMENT

AYE NO

Sen.

Sharon Stewart-Peregoy
 (Signature)

Date 3-18-11

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Jeff Essmann, request to be excused from the

EDUCATION COMMITTEE

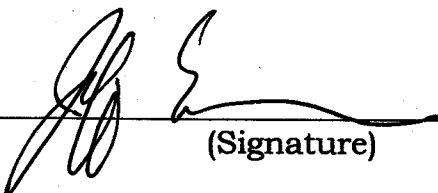
due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 421		X
HB 403	X	

BILL/AMENDMENT	AYE	NO

Sen.  _____
(Signature)

Date 3-18-11